

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Shelton, R. H.

Serial No.: 09/025,279

Filed: February 18, 1998

For: **STANDING ORDER DATABASE SEARCH
SYSTEM AND METHOD FOR INTERNET
APPLICATION**

Confirmation No.:

Group Art Unit: 2162

Examiner: Jean B. Fleurantin

Docket No. 50128-1010

DECLARATION OF ANDREW M. HASSELL

I, Andrew M. Hassell, Esq., attorney of record in the above matter hereby declare:

1. My name is Andrew M. Hassell. I am over 21 years old, and am fully competent to make this declaration. I have personal knowledge of the matters set forth herein and believe them to be true and correct.
2. I am an associate of John L. Sigalos, Esq., the originating attorney for the provisional application Serial No. 60/037,869 that led to the above-styled complete non-provisional application Serial No. 09/025,279.
3. Robert H. Shelton is the sole inventor for both the provisional application Serial No. 60/037,869 and the non-provisional application Serial No. 09/025,279.
4. On February 12, 1997, I was asked by Mr. Sigalos to comment on the specification and claims prior to filing the application and that, to the best of my recollection and belief, I provided comments and suggestions by the requested date of February 14, 1997. A true and correct copy of the cover letter from Mr. Sigalos is attached hereto as Exhibit B-1.
5. I assisted Mr. Sigalos and Mr. Shelton in the preparation and review of the non-provisional application claiming priority to the provisional application Serial No. 60/037,869 prior to the required filing date of February 17, 1998.
6. I was aware of the strain on Mr. Sigalos produced by his daughter's terminal illness.

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7. About the time of the death of Mr. Sigalos' daughter, I was asked by Mr. Shelton to assume the lead role in prosecuting the non-provisional application Serial No. 09/025,279. At about that time, Mr. Shelton signed a Power of Attorney vesting in me the authority to act on his behalf with the United States Patent and Trademark Office ("USPTO") in the continued prosecution of the non-provisional application. Upon learning that the Power of Attorney was never recorded by the USPTO, it is my understanding that a second Power of Attorney was executed by Mr. Shelton on November 27, 2002.
8. At that time, I became aware that a question had arisen regarding the effective filing date to which the non-provisional application was entitled and was informed by Mr. Sigalos that, since he was personally involved in effecting timely filing so as to obtain benefit of the filing date of the provisional application, he would attend to such matter and that I should address the substantive matters associated with the prosecution of the non-provisional application. Consequently, I directed my attention to other matters that were involved in the prosecution and appeal of the non-provisional application, leaving the matter of the effective filing date to Mr. Sigalos.
9. I understood that the matter of the effective filing date was being taken care of by Mr. Sigalos and that it was only in June 2005 that it came to my attention that the petition for granting of the provisional and non-provisional filing dates had been dismissed in May 2000.
10. I have personally known Mr. Sigalos for more than 20 years and know him to be a highly competent and responsible attorney. I further believe that from all the circumstances of which I am aware, it would only be right and equitable to grant the petition to accord the foregoing non-provisional application a filing date of February 17, 1998 and to accord the provisional application an effective filing date of February 17, 1997.
11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that

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such willful false statements may jeopardize the validity of the application or any patent
issued thereon.

DATED on this the 2nd day of July 2005.



Andrew M. Hassell